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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FREDERICO PIZANO,

Defendant.

CASE NO. 2:05- MJ - 0089 KJM

**STIPULATION TO CONTINUING DATE
OF PRELIMINARY HEARING;
ORDER**

IT IS HEREBY STIPULATED between the parties through their respective counsel, that the date of the preliminary hearing in this case be continued from April 27, 2005 to April 28, 2005, at 2:00 p.m. The government has requested the additional day to accommodate the schedule of the grand jury and the availability of a witness needed to testify before the grand jury. Defense counsel, Linda Harter, Esq., has no objection to the request and has authorized government counsel to sign this stipulation on her behalf. The defendant was recently released from custody to the Effort Treatment Center and the parties are engaged in ongoing discussions to resolve the matter.

The parties further agree that, pursuant to F.R.Crim.P. 5.1(d), good cause exists to continue the preliminary hearing to the new date and that time be excluded from the calculation of the 30 day time limits imposed by the Speedy Trial Act [18 U.S.C. § 3161(b)], pursuant to the exception contained in Sections 3161(8)(A) and 3161(B)(iii) (delay needed because of unavailability of grand jury witness and the need for additional time to investigate possible settlement of the case preindictment).

1 STIPULATION CONTINUING DATE
2 OF PRELIMINARY HEARING; ORDER
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4 Dated: April 25, 2005

5 MCGREGOR W. SCOTT
6 U.S. Attorney

7 by /s/
8 RICHARD J. BENDER
9 Assistant U.S. Attorney

10 Dated: April 25, 2005

11 /s/
12 LINDA HARTER
13 Attorney for Frederico Pizano
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15 IT IS SO ORDERED,

16 this 25th day of April, 2005

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18 U.S. MAGISTRATE JUDGE
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